IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 17523 of 2007(J)

CMA.74/2005 OF DISTRICT COURT, KASARAGOD,
OS.363/2005 OF PRL.MUNSIFF, KASARAGOD.

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PETITIONER:

SRIMAD ANANTHESHWARA TEMPLE, MANJESHWAR,
REPRESENTED BY ITS PRESENT PRESIDENT
B.RATHNAKARA KAMATH, S/O.G.NARASIMHA KAMATH,
AGED 65 YEARS, HINDU, RESIDING AT REGU NIVAS,
KONCHADY, PADUVINANGADY, MANGLORE, KARNATAKA STATE.

BY ADV. SRI.KODOTH SREEDHARAN.

RESPONDENTS:
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1. **SRI.SATHEESHA KAMATH,**
   S/O.RAMACHANDRA KAMATH, AGED 40 YEARS, HINDU,
   BUSINESS, RESIDING AT NEAR S.A.TEMPLE,
   MANJESHWAR, HOSABETTU VILLAGE, KASARGOD TALUK,
   MANJESHWAR P.O.,

2. **SRI.M.UMESHA KINI,**
   S/O.LATE M.RAMARAYA KINI, AGED 40 YEARS,
   LAND HOLDER, RESIDING AT NEAR SRIMAD
   ANANTHASWARA TEMPLE, HOSABETTU VILLAGE,
   KASARGOD TALUK, MANJESHWAR. P.O.

BY ADV. SRI.D.KRISHNA PRASAD,
SMT.O.K.SANTHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.17523/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS OF THE TEMPLE TRUSTEES DT. 04/09/2005.

EXT.P.2: COPY OF THE ORDER IN I.A. 1977/05 IN O.S. 363/05 IN MUNSIFF COURT, KASARAGOD.

EXT.P.3: COPY OF THE ORDER IN C.M.A. 74/2005 DT. 03/03/2007 IN DISTRICT COURT, KASARAGOD.

EXT.P.4: COPY OF THE ORDER IN I.A. 838/2005 IN LAR 1/1986 IN SUBORDINATE JUDGES COURT, KASARAGOD.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No.17523 OF 2007

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Dated this the 30th day of July, 2007

JUDGMENT

This writ petition is filed to set aside Exts.P2 and P3 orders. Ext.P2 was an injunction order against which a civil miscellaneous appeal was filed and the appellate court dismissed the appeal and directed the trial court to record the evidence and dispose of the matter by the end of June. Now the learned counsel for the respondents had produced before me a copy of the judgment rendered in the original suit itself. So as things stand today, there is no original suit or interim application pending before the trial court. Therefore no orders can be passed in this writ petition at this stage. But it is made clear that the petitioner is competent to move for interim prayers in the appeal which he may file against the judgment in O.S.No.363/2005 and the appellate court on filing of such application to consider the same and dispose it of in accordance with law.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-